

Executive, or the performance of the Executive's constitutional duties.

Section 502 of the Act purports to place restrictions on use of the U.S. Armed Forces and other personnel in certain operations. The executive branch shall construe the restrictions in that section as advisory in nature, so that the provisions are consistent with the President's constitutional authority as Commander in Chief, including for the conduct of intelligence operations, and to supervise the unitary executive branch.

To the extent that provisions of the Act, such as sections 614 and 615, purport to require or regulate submission by executive branch officials of legislative recommendations to the Congress, the executive branch shall construe such provisions in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to submit for congress-

sional consideration such measures as the President judges necessary and expedient.

Section 105 of the Act incorporates by reference certain requirements set forth in the joint explanatory statement of the House-Senate committee of conference or in a classified annex. The executive branch continues to discourage the practice of enacting secret laws and encourages instead appropriate non-binding uses of classified schedules of authorizations, classified annexes to committee reports, and joint statements of managers that accompany the final legislation.

GEORGE W. BUSH

The White House,
December 23, 2004.

NOTE: H.R. 4548, approved December 23, was assigned Public Law No. 108-487.

Statement on Signing Communications Legislation *December 23, 2004*

Today, I have signed into law H.R. 5419, a bill consisting of three titles. Title I is the "ENHANCE 911 Act of 2004," which strengthens the ability of Americans to use the 911 telephone number to seek emergency assistance. Title II is the "Commercial Spectrum Enhancement Act," which facilitates the spectrum relocation of Federal entities so that certain spectrum can be reallocated to commercial users. Title III is the "Universal Service Antideficiency Temporary Suspension Act," which makes the Antideficiency Act temporarily inapplicable to certain collections, receipts, expenditures and obligations relating to universal communications service.

Section 104 amends section 158(a)(2) of the National Telecommunications and Information Administration Organization Act to call for executive branch officials to sub-

mit to congressional committees funding profiles for a specified 5-year program. The executive branch shall construe the provision in a manner consistent with the constitutional authority of the President to recommend for the consideration of the Congress such measures, including proposals for appropriations, as he judges necessary and expedient.

Sections 202 and 204 enact sections 113(g)(5) and 118(d) of the National Telecommunications and Information Administration Organization Act, which purport to condition the execution of a law upon notification to congressional committees coupled with either approval by the committees or the absence of disapproval by the committees within a specified time. The executive branch shall construe the provisions to legally require only notification to the

committees, as any other construction would be inconsistent with the principles enunciated by the Supreme Court of the United States in *INS v. Chadha*. The Secretary of Commerce will continue as a matter of comity to work with the committees on matters addressed by these provisions.

As is consistent with the principle of statutory construction of giving effect to each of two statutes addressing the same subject whenever they can co-exist, the executive branch shall construe section 302 of the Act in a manner consistent with section 254 of the Communications Act of 1934, which provides the Federal Communica-

tions Commission with the authority to maintain funding caps for Universal Service Fund programs.

GEORGE W. BUSH

The White House,
December 23, 2004.

NOTE: H.R. 5419, approved December 23, including Title I, the ENHANCE 911 Act of 2004, Title II, the Commercial Spectrum Enhancement Act, and Title III, the Universal Service Antideficiency Temporary Suspension Act was assigned Public Law No. 108-494.

Statement on Signing the Comprehensive Peace in Sudan Act of 2004 *December 23, 2004*

Today, I have signed into law S. 2781, the “Comprehensive Peace in Sudan Act of 2004” (the “Act”). The Act is intended to help resolve conflict, reduce human suffering, and encourage freedom and democracy.

Section 6 of the Act includes provisions that, if construed as mandatory, would impermissibly interfere with the President’s exercise of his constitutional authorities to conduct the Nation’s foreign affairs, participate in international negotiations, and supervise the unitary executive branch. Section 6(a), for example, appears to require the President to implement the measures set forth in section 6(b)(2) of the earlier Sudan Peace Act (Public Law 107-245), which purports to direct or burden the conduct of negotiations by the executive branch with foreign governments, international financial institutions, and the United Nations Security Council. When necessary to avoid such unconstitutional interference, the executive branch shall construe the provisions of section 6 as advisory.

The executive branch shall construe provisions in the Act that mandate submission

of information to the Congress, or the public, in a manner consistent with the President’s constitutional authority to supervise the unitary executive branch and to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive’s constitutional duties. Such provisions include sections 8 and 12 of the Sudan Peace Act as amended by section 5 of the Act.

Provisions of the Act define a particular entity as the “Government of Sudan” for purposes of implementing the Act and section 12 of the Sudan Peace Act (Public Law 107-245). The executive branch shall construe the provisions in a manner consistent with the President’s constitutional authority for the United States to recognize foreign states and to determine what constitutes the governments of such foreign states.

GEORGE W. BUSH

The White House,
December 23, 2004.